

TOWN OF MARSHFIELD CLASS 4 HIGHWAY POLICY

1. Purpose

The purpose of this Policy is to define the standards by which the Town will maintain its class 4 highways and to set reasonable expectations for the use of those highways.

2. Definitions:

"Highway" shall mean a public road or highway that is classified as class 1, 2, 3, or 4 for purposes of receiving state aid.

"Class 4 highways" are all other highways not falling under definitions of class 1, 2, or 3 highways. Class 1, 2, and 3 highways are defined for the purpose of receiving state aid and are passable with a pleasure vehicle on a year-round basis.

"Selectboard" shall mean the Selectboard of the Town of Marshfield.

"Town" shall mean the Town of Marshfield.

"Right of Way Permit" or "Permit" shall mean a permit authorized by the Selectboard for access to a Town highway pursuant to 19 V.S.A. § 1111.

3. Town Maintenance

- a. The Town shall not provide any summer maintenance of class 4 highways except to the extent required by necessity and the public good and convenience of the inhabitants of the Town and when staff and financial resources allow. Such work will in no way obligate the Town to perform any additional maintenance or repairs of any nature.
- b. The Town shall not provide any winter maintenance on class 4 highways. Plowing by private parties shall only be allowed with an advance permit agreed to by the Selectboard pursuant to Section 4 of this Policy. Any winter plowing of a class 4 highway granted by the Selectboard to parties other than a municipality shall not nullify the snowmobiling privileges under 23 V.S.A. § 3206(b)(2).

4. Maintenance and Right-of-Way Access of Class 4 Highways.

- a. Any person who wishes to perform or arrange for the repair, maintenance, improvement, restoration, or installation on a class 4 highway may do so only after receiving a signed right of way permit from the Selectboard. Permission for repair, maintenance, improvement, restoration, or installation shall be given in accordance with 19 V.S.A. § 1111.
- b. All work within the highway right-of-way shall be in conformance with current Town highway specifications and the highway shall be left in as good as or better condition than when permission was granted. In addition, the Selectboard may attach any or all the following conditions to the Permit:
 - i. Posting of a surety bond or damage deposit with the Town in an amount that reflects reasonable estimates of repairs that may be necessary in the event of noncompliance with the provisions of this Policy or permits conditions issued for the project;
 - ii. Supervision by the Highway Foreperson; and

- iii. Any other reasonable conditions as deemed necessary.
 - c. By submission of an application for a Right of Way Permit the applicant agrees to bear all costs associated with the work on the highway, that all the requirements for signage, work safety, and public safety required by law or reasonable prudence will be adhered to in connection with the work done under the Permit, and that all work will be done in conformance with the Permit. The applicant also agrees that the applicant and the applicant's agents shall not hold the Town responsible for any claims or injuries which may arise out of the work, and agrees to indemnify and hold the Town harmless against legal liability for any and all damage, loss or claim associated with the work.
5. Control
- a. The Selectboard shall exercise control of class 4 highways to ensure their integrity as public rights-of-way by means which may include, but are not limited to, the following:
 - i. establishment of vehicle weight limits;
 - ii. temporary prohibition or restriction of use by motorized vehicles;
 - iii. imposition of requirements for temporary permit for heavy equipment access which may include a stipulation that any highway damaged will be repaired by or at the expense of the user;
 - iv. posting of bond or other security to guarantee that repairs are made; either or both of which may be required as a condition of any permits;
 - v. establishment of speed limits; and
 - vi. granting permission to pent a Town highway.
6. Change in Classification.
- a. It is the policy of the Selectboard to discourage the reclassification and/or upgrading of class 4 highways. However, upon receipt of a petition filed pursuant to 19 V.S.A. § 708, the Selectboard will consider a request to alter, reclassify or discontinue a class 4 highway.
 - b. Reclassification or discontinuance will be done in accordance with 19 V.S.A. §§ 708-717. A decision to alter, reclassify or discontinue a class 4 highway will only be made in situations where the Selectboard determines that the public good, necessity, and convenience of the inhabitants of the Town require such action.
 - c. The Selectboard may require that the cost of upgrading a class 4 highway to a class 3 highway will be borne by those seeking the change in classification.
 - d. Pursuant to 19 V.S.A. § 708(b), a class 4 highway need not be reclassified to class 3 merely because there exists within the Town one or more class 3 highways with characteristics like the class 4 highway.
7. Highway Closure. No class 4 or other highway of any class may be intentionally closed by a gate or traffic otherwise impeded by other obstruction as per 19 V.S.A. §§ 1102, 1111. The Selectboard may grant permission to an adjoining landowner to enclose pent roads by erecting stiles, unlocked gates, and bars in the places designated as per 19 V.S.A. §§ 304(a)(5), 1105. The Selectboard may restrict the use of a highway in accordance with 19 V.S.A. § 1110 and 24 V.S.A. § 2291(4).

8. Compliance with Other Regulations. This policy is intended to supplement state law and local ordinances. All other ordinances and policies adopted by the Town shall remain in full force and effect.

Adopted by the Selectboard this 4th day of February, 2020.

Town of Marshfield
Policy Regarding Class IV Highways

In general, Class IV highways receive only minimal maintenance. Class II and Class III highways receive priority. Following a natural disaster, Class IV highways are only attended to after Class II and Class III highways have been repaired. A list of Class IV highways is attached to this policy.

Summer Maintenance

The Road Foreman will annually inspect Class IV Town Highways and evaluate them, and as time permits will perform minimal maintenance. This maintenance shall not constitute improvements or upgrades. The Town shall not provide any maintenance or upkeep on trails. The Town shall not provide any summer maintenance of Class IV highways except for the maintenance of bridges, culverts and ditches and to control erosion of highways or runoff to adjacent property, and removal of obstructions as required by necessity, and the public good and convenience of the inhabitants of the Town.

Winter Maintenance

The Town shall not provide any winter maintenance on Class IV Town Highways or Trails.

Maintenance by Others

Any landowner with property adjacent to a Class IV Town Highway wishing to perform or arrange for the performance of maintenance work on a Class IV Town Highway or Trail must make a written request to the Selectboard prior to commencing with any work. The request should contain drawings and descriptions of the work to be done. The Selectboard must be given enough advance warning to meet with the Road Foreman and develop a plan. No work can commence without a signed agreement from the Selectboard. The Landowner shall bear all costs associated with said fourth class road/trail project.

Before commencing work the landowner shall agree to sign and deliver to the Selectboard a letter in which they promise to assure that all the requirements for signage, work safety, and public safety required by law or reasonable prudence will be adhered to in connection with the work, that the road work will be done in accordance with specifications established by the Selectboard in conjunction with the Road Foreman, and that they agree to indemnify the town and its agents for any and all damage, loss or claim associated with this work.

When the job is finished, the Selectboard must be notified in writing so they can arrange for inspection and approval of the work.

The following roads are Class IV in whole or in part:

- Jerusalem Road
- Hardwood Mountain Road
- Cassady Road
- Bean Road
- George Jewett Road
- Pike Road
- Huntington Road
- Railroad Bed East
- East Hill Road
- Guyette Road